

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 360 be amended to read as follows:

- 1 Page 2, between lines 27 and 28, begin a new paragraph and insert:
- 2 "SECTION 2. IC 16-18-2-240.5 IS ADDED TO THE INDIANA
- 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2005]: **Sec. 240.5. "Morbid obesity", for**
- 5 **purposes of IC 16-40-3, has the meaning set forth in IC 16-40-3-1.**
- 6 SECTION 3. IC 16-40-3 IS ADDED TO THE INDIANA CODE
- 7 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2005]:
- 9 **Chapter 3. Reporting of Deaths or Complications From Morbid**
- 10 **Obesity Surgeries**
- 11 **Sec. 1. As used in this chapter, "morbid obesity" means:**
- 12 **(1) a body mass index of at least thirty-five (35) kilograms per**
- 13 **meter squared, with comorbidity or coexisting medical**
- 14 **conditions such as hypertension, cardiopulmonary conditions,**
- 15 **sleep apnea, or diabetes; or**
- 16 **(2) a body mass index of at least forty (40) kilograms per**
- 17 **meter squared without comorbidity.**
- 18 **For purposes of this section, body mass index is equal to weight in**
- 19 **kilograms divided by height in meters squared.**
- 20 **Sec. 2. (a) A physician who is licensed under IC 25-22.5 shall**
- 21 **report:**
- 22 **(1) to; and**
- 23 **(2) in a manner prescribed by;**
- 24 **the state department any death or serious complication of a patient**
- 25 **who receives surgical treatment for morbid obesity.**
- 26 **(b) The report required in subsection (a) must include the**
- 27 **following information:**
- 28 **(1) The gender of the patient.**
- 29 **(2) The name of the physician who performed the surgery.**
- 30 **(3) The location in which the surgery was performed.**
- 31 **(4) Information concerning the death or complication and the**

1 circumstances behind the death or complication.

2 **Sec. 3. (a) The state department shall collect and maintain the**
3 **information reported to the state department under section 2 of**
4 **this chapter.**

5 **(b) The records under subsection (a) are public records and are**
6 **subject to public inspection. However, the state department may**
7 **not release any information in the records that the state**
8 **department determines may identify the patient's identity.**

9 **Sec. 4. A physician who knowingly violates this chapter is**
10 **subject to disciplinary sanctions under IC 25-1-9 as if the physician**
11 **had knowingly violated a rule adopted by the medical licensing**
12 **board under IC 25-22.5-2-7.**

13 **Sec. 5. The state department shall adopt rules under IC 4-22-2**
14 **necessary to implement this chapter.**

15 **Sec. 6. This chapter expires June 30, 2010."**

16 Renumber all SECTIONS consecutively.

(Reference is to SB 360 as printed February 4, 2005.)

Senator MILLER